

GENERAL SESSION MINUTES
Idaho State Bar Board of Commissioners
January 16, 2009
Boise, Idaho

President Dwight Baker called at the business meeting of the Board of Commissioners of the Idaho State Bar to order at 8:30 a.m. at the Law Center in Boise. In attendance at the meeting were Commissioners Doug Mushlitz, Newal Squyres, Deborah Ferguson, and James Meservy, Bar Counsel Brad Andrews, Deputy Bar Counsel Julia Crossland, Deputy Director Terri Muse, and Executive Director Diane Minnich, who acted as secretary.

EXECUTIVE SESSION

Per Idaho Code Section 67-2345, the Commission, after an aye vote was recorded from each Commission, moved into executive session at 12:00 noon. The executive session adjourned at 1:38 p.m.

GENERAL BUSINESS

Minutes – It was moved, seconded and passed to approve the minutes of the November 21, 2008 Commission meeting as amended.

Admission Rules Review Committee – The Commission discussed two policy issues brought to them by the Admission Rules Review Committee. The first issue is whether the bar should limit the number of times an applicant can sit for the Idaho bar exam. The second issue is whether to remove or change the rule provisions allowing appeal of bar exam results and reevaluation of bar exam scores. The Commissioners agreed that we should maintain the reevaluation process and eliminate the opportunity for appeal to the Idaho Supreme Court. The Commission was divided on whether to limit the number of times an applicant can sit for the exam. The Commission determined that if there is a limit it should be 6 times, and that the re-exam fee should increase at some rate. The Commission agreed that the rules should not include a request or submission to the Commission to sit for the exam multiple times. The Commission also discussed what fee increases for admissions would be necessary to ensure that the revenue covered all of the expenses.

Active Disability License – The Commission considered a request from attorney Joseph Stanzak to establish a disability active status. It was moved, seconded and passed to deny Mr. Stanzak's request for the Commission to propose a disability active status, but inform him of potential exemptions from the MCLE rules.

Committee Appointments – The Commission considered three committee appointments. It was moved, seconded and passed to appoint Judge Gregory Culet and Doug Copsey to the Lawyer Assistance Program Committee and to appoint Mike Standley of Pocatello, to the Professional Conduct Board.

Meeting with Idaho Supreme Court – The Commission discussed the agenda and issues for the afternoon meeting with the Idaho Supreme Court.

ABA Meeting Report – ABA State Bar Delegate Larry Hunter joined the meeting at 9:30 a.m. to discuss the upcoming ABA Midyear Meeting in Boston. The one issue for discussion with the Commission that was carried over from the 2008 Annual Meeting is screening, IRPC 1.10. The Commission expressed its support for the proposed amendments to the Model Rules of Professional Conduct. The Commission also agreed that if the proposed change to the Model Rules of Professional Conduct is approved by the ABA House of Delegates, a resolution will be prepared for the 2009 resolution process proposing the change to IRPC 1.10.

Financial Reports – The Commission was provided with the December 31 unaudited financial reports. At the end of December, 100.41% of revenue was collected and 99.44% of expenses incurred. The Executive Director noted that the financial numbers are not yet final, there will be additional invoices and adjustments made by the accounting staff and possibly the auditors.

Section Funds – The Commission again discussed section fund balances and how to encourage those sections with large fund balances to reduce those balances. The Commission discussed several options. The Commission asked Deputy ED Terri Muse to prepare a proposed policy, which then could be discussed with section leaders.

Online Licensing – The Executive Director reported that the online licensing processing was operational and, to date, more than 200 attorneys had completed licensing online.

Budget – The Commission considered the proposed 2009 budget. The budget was a 1% reduction from the budget proposed at the November meeting. It was moved, seconded and passed to approve the 2009 budget as proposed, including the purchase of the accounting software and the other capital expenditure requests.

License Fee Increase – The Commission reviewed historical, current and projected financial information. After discussion, it was moved, seconded and passed to submit a resolution for the 2009 resolution process requesting a license fee. The Executive Director will establish a proposed amount for the Commissioners' consideration.

Annual Meeting – The Commission reviewed the report on the 2008 Annual Meeting and the proposed 2009 Annual Meeting agenda. It was moved, seconded and passed to ask Laurie Levenson, law professor at Loyola Law School to be the keynote speaker.

The Commission also discussed the 2010 Annual Meeting, currently booked in Idaho Falls. The Commission agreed to pursue the Annual Convention in Idaho Falls and to pursue other venues for events such as the theatre and museum events rather than holding all events at the hotel.

Idaho Supreme Court Oral Conference minutes – The Commission was provided with the December and January Supreme Court oral conference minutes.

International law Section Bylaws – The Commission considered a request from the International Law Section to amend its bylaws. It was moved, seconded and passed to approve the amendments to the International Law Section Bylaws that would allow for non lawyer members of the section.

REPORTS/CORRESPONDENCE/NEWS CLIPPINGS

The Commission was provided with the following: January 5, 2009 membership statistics – 5,188; December LRS statistics; letters and news clippings for the past month.

There being no further business, the general session was adjourned at 11:50 a.m.

Respectfully submitted,

Diane K. Minnich
Executive Director